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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/469,792	12/22/1999	CHARLES ROBERT KALMANEK JR.	2685/5249	5384	
26652	7590 06/26/2006		EXAMINER		
AT&T COR	Р.		PATEL, AJIT		
ROOM 2A20	7				
ONE AT&T	WAY		ART UNIT	PAPER NUMBER	
BEDMINSTE	ER, NJ 07921		2616		
			DATE MAILED: 06/26/200	DATE MAILED: 06/26/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner			Application No.	Applicant(s)	-				
Ajit Pate 2616			09/469,792	KALMANEK ET AL					
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Repty Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Eathermoon for time may be available under the provisions of 3 CFR 1.136(), no event, however, may a reply be timely after a direct of this communication, and a separation of the provision of the provision of the provision of the communication of the provision of the provision of the communication. Fallus to reply within the sof extended period for reply with by stated, casen de Application from the realising date of this communication. Fallus to reply within the sof extended period for reply with by stated, casen de Application from the realising date of this communication, or the depth of the communication, and the provision of the provision of the provision of the communication of the provision of this action is FINAL. 2) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 21-40 Is/are pending in the application. 4a) Of the above claim(s)		Office Action Summary	Examiner	Art Unit					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensible of time-may be available under the provisions of 37 CFR 1.136(a), in ne event, however, may a rapid be timely filled. - Extensible of time-may be available under the provisions of 37 CFR 1.136(a), in ne event, however, may a rapid be timely filled. - If No panel or reply is specified above, the maximum autitating parted will pay the will expire XXX (by MONTHS from the mailing date of this communication, reply shall be reply within the set of extended period for reply will, by attention to become ARANDONED (65 U.S.C.§ 1133). - Fabrus to reply vision the set of extended period for reply will, by attention to become ARANDONED (65 U.S.C.§ 1133). - Fabrus to reply vision the set of extended period for reply will, by attention to become ARANDONED (65 U.S.C.§ 1133). - Fabrus to reply vision the set of extended period for reply will, by attention to the communication, even if timely filled, may reduce any correct patent term adjustment. Set 37 CFR 1.704(b). - Status - This action is FINAL. - This action is filled the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213. - Disposition of Claims - All Claim(s) 21-40 is/are pending in the application. - Application of Claims - All Claim(s) 21-43.3-36.38 and 40 is/are rejected. April Patril - Application Papers - Claim(s) 22-22,37.39 is/are objected to by the Examiner. - Application Papers - Claim(s) 22-2.23,33 and 40 is/are rejected or by claim and action are activated. - Claim(s) 21-24.33-36.38 and 40 is/are rejected or by claim and accepted to by the Examiner. - Application Papers - The specification is objected to by the Examiner. - Application Papers - Claim(s) 21-24.33-36.38 and 40 is/are rejected or by claim and accepted to by the Examiner. - Applicat			Ajit Patel	2616					
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provided of 37 cFt 1.15(a). In ne avent, however, may a reply be timely filed after SX (6) MONTIS from the mailing date of this communication. Failth to recy within the set or recting of the communication, and ill apply and will explice 3X (6) MONTIS from the mailing date of this communication. Failth to recy within the set or recting depender provided by the provided provide free with the provided provide free mailing date of this communication, even if timely filed, may reduce any seemed patient than department. Set 37 CFR 1.70(b). Status 1) □ Responsive to communication(s) filed on 17 May 2006. 2a) □ This action is FINAL. 2b) □ This action is FINAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4□ Claim(s) 21-40 is/are pending in the application. 4□ Of the above claim(s) is/are withdrawn from consideration. 5□ Claim(s) 22-32 is/are allowed. 6□ Claim(s) 28-32 is/are allowed. 6□ Claim(s) 28-32 is/are allowed. 6□ Claim(s) 25-27.37.39 is/are objected to. 8□ Claim(s) 25-27.37.39 is/are objected to. 8□ Claim(s) 25-27.37.39 is/are objected to by the Examiner. Application Papers 9□ □ The specification is objected to by the Examiner. 10□ □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11□ □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ Certif			pears on the cover sheet with the	e correspondence add	ress				
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Application/Control Number: 09/469,792

Art Unit: 2616

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 21- 24, 33-36, 38, and 40 are rejected under 35 U.S.C. 102(b or e) as being anticipated by Armbruster et al (US 5,710,971).

With respect to claim 21, Armbruster et al disclose a method for performing lawful authorized electronic surveillance (col. 1, lines 5-17); verifying on a per-call basis, that a call between a first party (subscriber 36) is to be surveilled (Fig. 4, step 98; col. 8, lines 34-38 where on a per-call basis, the calls are checked to see if they are to be surveilled/duplicated); and multicasting packets associated (packet duplication, Fig. 4, steps 100, 102, 104) with a call to a

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second party (subscriber 48) and to a surveillance receiver (monitoring center 60, col. 8, lines 63-67).

With respect to claim 22, Armbruster et al disclose that the call includes a bearer channel (the compressed voice data channel 64); and the multicasted packets are only those packets associated with the bearer channel of the call (only voice packets are duplicated for transmission to the monitoring station, col 7, line 63- col. 8, line 15).

With respect to claim 23, it is inherent to lawful authorized electronic surveillance such as that disclose by Armbruster et al that the gateway 54 receive a request for surveillance of a first party in order to identify which calls are to be selective monitored.

With respected to claim 24, clearly either subscriber 36 or 48 are untrusted otherwise electronic surveillance would lawfully authorized.

With respect to claim 33, Armbruster et al disclose sending a request (BSS-MAP) from a surveillance receiver (MSC 56 & Monitoring Center 60) for surveillance of a first party(col. 7, lines 14-16); receiving packet from and first (36) and second party (48); and multicasting (packet duplication, Fig. 4, steps 100, 102, 104) from an network edge device (gateway 54) to second party (48) and the surveillance party (monitoring center 60/ MSC 56).

With respect to claim 34, Armbruster et al disclose that the call includes a bearer channel (the compressed voice data channel 64); and the multicasted packets are only those packets associated with the bearer channel of the call (only voice packets are duplicated for transmission to the monitoring station, col 7, line 63- col. 8, line15).

Indication provides column 30, Authornosel et al disclose sending a requesi (2007). Il j

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With respect to claims 35 and 36, gateway 54 is a network edge device which is associated with either a first or second party.

With respected to claim 38, clearly either subscriber 36 or 48 are untrusted otherwise electronic surveillance would lawfully authorized.

With respected to claim 40, verifying on a per-call basis, that a call between a first party (subscriber 36) is to be surveilled (Fig. 4, step 98; col. 8, lines 34-38 where on a per-call basis, the calls are checked to see if they are to be surveilled/duplicated).

- 4. Claims 25-27, 37, and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 5. Claims 28-32 are allowed.
- 6. Any inquiry concerning this communication should be directed to Ajit Patel at telephone number 571-272-3140.

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